

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **VICE CHAIRMAN SYLVIA BOOKOUT-REINICKE**, on  
March 7, 2001 at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Darrel Adams (R)  
Rep. Debby Barrett (R)  
Rep. Ronald Devlin (R)  
Rep. Dave Gallik (D)  
Rep. Steven Gallus (D)  
Rep. George Golie (D)  
Rep. Jim Keane (D)  
Rep. Gary Matthews (D)  
Rep. William Price (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Karl Waitschies (R)

**Members Excused:** Rep. Roger Somerville, Chairman (R)  
Rep. Carol C. Juneau, Vice Chairman (D)  
Rep. Joe Balyeat (R)  
Rep. Donald L. Hedges (R)

**Members Absent:** None.

**Staff Present:** Donna Huffman, Committee Secretary  
Leanne Kurtz, Legislative Branch

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 53, SB 152, SB 203,  
03/07/01.  
Executive Action: SB 53, SB 203.

**HEARING ON SB 53**

**Sponsor:** Senator Glenn A. Roush, SD 43.

**Proponents:** Jim Jacobson, Montana Veterans Affairs Division; Hal Manson, American Legion of Montana; Dan Antonietti, Veterans of Foreign Wars; Mike Hankins, President of Local Chapter of the Associates of Vietnam Veterans of America; Brenda Nordlund, Department of Justice.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

**Senator Roush** said this bill is a veterans bill, it will enable a 100% disabled veteran to register one vehicle for \$5.00. This bill expands the types of vehicles that a 100% disabled veteran can register, under the statute, 61-1-102.

**Proponents' Testimony:**

**Jim Jacobson** said they support this bill as it would provide extra flexibility for the 100% disabled veteran to have a larger vehicle registered, other than a commercial vehicle.

**Hal Manson** said this bill would benefit 100% disabled veterans and the American Legion who have several veterans in their membership. They support SB 53.

***{Tape : 1; Side : A; Approx. Time Counter : 6.7}***

**Dan Antonietti** said they support SB 53.

**Mike Hankins** said they support SB 53, this bill will give disabled veterans the ability to transport their entire living unit, such as a recreational vehicle, anywhere in the State of Montana they need to transport it.

**Brenda Nordlund** suggested that the bill would define motor vehicles that are not used for commercial purposes and will be able to have a DV plate on those vehicles under the law.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:** none.

**Closing by Sponsor:**

**Senator Roush** said if this is utilized in Montana, and gives people their choice and only covers one vehicle.

**EXECUTIVE ACTION ON SB 53**

**Motion/Vote:** REP. GALLUS moved that SB 53 BE CONCURRED IN. Motion carried 17-0.

Rep. Edith Clark will carry SB 53 to House.

**HEARING ON SB 152**

**Sponsor:** Senator Dale Mahlum, SD 35.

**Proponents:** Gary Gilmore, Department of Transportation.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

*{Tape : 1; Side : A; Approx. Time Counter : 11.8}*

**Senator Mahlum** said this bill is about disposing of surplus lands that Department of Transportation does not need. The Department may have acquired these parcels of property, for example, to build an interchange years ago.

**Proponents' Testimony:**

**Gary Gilmore** said the amendment added to the bill in the Senate, starts on Page 1, Line 28, prior to making a land exchange, DOT contacts all adjacent land owners to the property they are exchanging, to see if they have interest in purchasing the property. If they do, they will not exchange the land, they will offer it for sale at bid. He said, on Page 2, Line 9, this raises the value, when the Department goes to auction, from \$2,500 to \$10,000. On Page 2, Line 11, this offers the properties to sell without auction to Federal, State and Local Governments, a School District, or a unit of the University System. On Page 2, Line 29 of the bill, this has to do with appraising these properties. Currently, for any land over \$2,500, there has to be a full appraisal of the property and many

times the appraisal cost exceeds the value of the property. They support SB 152.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : A; Approx. Time Counter : 18.4}***

**Rep. Gallik** asked **Mr. Gilmore** what would happen if DOT has property to sell and there are two landowners on either side of the property and they both want it. **Mr. Gilmore** said the land would then go to public auction.

**Rep. Waitschies** asked **Mr. Gilmore** if a school district would want the property, and if an adjacent land owner would want it, is it correct that the school district could not purchase it. **Mr. Gilmore** said they could purchase the land, but they would offer it at public auction at that time and the school district would participate in the public auction.

**Rep. Barrett** asked **Mr. Gilmore** how many parcels the DOT currently has for sale and approximately how big. **Mr. Gilmore** said they are in the process of aggressive land sales by searching records and some of these parcels that were purchased sixty years ago, they are trying to dispose of them. He said most parcels are not very big, but could be valuable, for example to an adjacent land owner.

**Rep. Waitschies** asked **Mr. Gilmore**, in dealing with DNRC, they claim the constitution says land can not be sold for less than fair market value, how can DOT sell these parcels of land for 90%. **Mr. Gilmore** said it is 90% of appraised value, which could be described as fair market value.

**Rep. Bookout-Reinicke** asked **Mr. Gilmore** who does appraisals and how does DOT determines who will do them. **Mr. Gilmore** said they do some of the appraisals in-house and they also hire appraisers.

**Rep. Gallik** asked **Senator Mahlum** if the state has property and another governmental entity would like to have that property first, they may not have the ability to do so if there is an adjacent land owner next to it who wants it. He asked if **Senator Mahlum** would consider an amendment if they strike the word, "before", Page 2, Line 17, and insert the word, "after", providing that the governmental entities have first choice at the land, then if they do not want it, give adjacent land owners the choice. **Senator Mahlum** said, basically, what this bill is doing is what is best for the citizens of Montana.

**Closing by Sponsor:**

**Senator Mahlum** said this bill is good for the citizens of Montana and also good for the Department of Transportation. The Department is managing their land by selling it instead of keeping it in inventory. This land has sat there for a lot of years and the Department would like to do something with it. He recommends a Do Pass on SB 152.

**HEARING ON SB 203**

**Sponsor:** Senator Mack Cole, SD 4.

**Proponents:** Barry Stang, Montana Motor Carriers Association; Mike Rice, Transystems Truck Company of Great Falls, Mt.; Rep. Don Steinbeisser, HD 100; Dave Galt, Director of Department of Transportation.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

**Senator Cole** said this bill will help to keep Montana's roads in good condition and this bill will help the trucking industry. It allows keeping and putting more axles on the trucks without increasing the gross vehicle weight. This will improve the wear on the roads, and also ties into the Multi-Highway Transportation Association and a uniformity between states. The trucking industry can go from one state to another and be able to take the proper loads, that are most economical, from one state to another. By putting more axles on the trucks, this will enable them to do that.

**Proponents' Testimony:**

*{Tape : 1; Side : B; Approx. Time Counter : 0.3}*

**Barry Stang** said MMCA supports SB 203 as it would allow more flexibility in the types of trucks available for use in Montana and would allow their carriers to better compete with surrounding states. **EXHIBIT(trh52a01)**. Also he handed out a pamphlet on Bridge Formula Weights. **EXHIBIT(trh52a02)**.

**Mike Rice** said his company has been operating this type of vehicle, called long combination vehicles, for numerous years.

He said this bill will enable adding an axle on a truck without changing the configuration. By adding the axle, it will reduce the average weight per axle. This bill benefits the shipping community, whether agriculture or natural resource. They support SB 203.

**Rep. Don Steinbeisser** said he supports SB 203. This bill will help the growers and the companies.

**Dave Galt** said they support SB 203. Montana has been a user and promoter of smart efficient large trucks. This bill does not conflict with any Federal Laws that are in effect on truck size and weight. He urged a Do Concur.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : B; Approx. Time Counter : 7.4}***

**Rep. Adams** asked **Mr. Galt** if putting another axle on trucks is expensive. **Mr. Galt** said the law states that for trucks having 9 axles, the maximum gross weight is based on the number of axles and the distance between them. By putting another axle on a truck, they will get more gross weight. In some instances, more gross weight offsets the additional weight of that axle. The advantage to the highway system is it spreads the total weight around on those axles, it moves that gross weight so it doesn't impact the highway as much. Right now there can be up to 131,000 pounds on 9 axles, but they have to be very precise. Some vehicles that are not quite as long that have room for an axle, get more volume and pay load and will be a more pavement friendly vehicle.

**Rep. Gallik** asked **Mr. Galt** what the reason is for the laws that are now in effect that only allow up to 9 axles. **Mr. Galt** said, in the history of truck weights in Montana, there is an evolution to more axles, more weight and more productivity, but in a smart way.

***{Tape : 1; Side : B; Approx. Time Counter : 13.2}***

**Rep. Waitschies** asked **Mr. Rice** if there was any correlation between the tire width and the axles. **Mr. Rice** said the weight per tire inch will drop. He said by adding axles, all the axles get lighter.

**Closing by Sponsor:**

***{Tape : 1; Side : B; Approx. Time Counter : 17.2}***

**Senator Cole** said this bill will help people in the trucking industry so that they will have more leeway for loads they are hauling. He urged a Do Concur.

**EXECUTIVE ACTION ON SB 203**

**Motion/Vote:** REP. KEANE moved that SB 203 BE CONCURRED IN. Motion carried 17-0.

**Rep. Steinbeisser** will carry to house.

**ADJOURNMENT**

Adjournment: 4:00 P.M.

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REP. ROGER SOMERVILLE, Chairman

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DONNA HUFFMAN, Secretary

RS/DH

**EXHIBIT** (trh52aad)